

David Krieger, Esq.
Nevada Bar No. 9086
Shawn Miller, Esq.
Nevada Bar No. 7825
KRIEGER LAW GROUP, LLC
5502 S. Ft. Apache, Suite 200
Las Vegas, NV 89148
Phone: (702) 848-3855
Email: dkrieger@kriegerlawgroup.com
Email: smiller@kriegerlawgroup.com

Attorney for Plaintiff
Marcus Paris

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARCUS PARIS,

Plaintiff,

v.

PORTFOLIO RECOVERY
ASSOCIATES, LLC;
RAUSCH STURM LLP,

Defendants.

Civil Action No.: _____

COMPLAINT

For this Complaint, Plaintiff Marcus Paris, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. ("FDCPA"), and the harassment of Plaintiff by Defendants in their illegal efforts to collect a consumer debt.

1 Jurisdiction is therefore proper in this Court pursuant to 28 U.S.C. § 1331.

2 2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.

3 3. Venue is proper in the U.S. District Court for the District of Nevada
4 pursuant to 28 U.S.C. § 1391(b), as Defendants transact business in the State of
5 Nevada.
6

7
8 **PARTIES**

9 4. Plaintiff Marcus Paris (“Plaintiff”) is an adult individual residing in
10 Henderson, Nevada, and is a “consumer” as the term is defined by 15 U.S.C. §
11 1692a(3).
12

13 5. Defendant Portfolio Recovery Associates, LLC (“PRA”) is
14 headquartered in Virginia and is doing business in the State of Nevada.
15

16 6. Upon information and belief, PRA is licensed as a “debt collector”,
17 holds itself out in the community as debt collector, is in the business of purchasing
18 debts owed to third parties or servicing debts owed to third parties, and as such,
19 regularly attempts to collect those debts.
20

21 7. PRA uses mail, credit reporting, and instrumentalities of interstate
22 commerce in its attempts to collect debts either owed to another creditor or
23 purchased from another creditor, and is a “debt collector” as the term is defined by
24 15 U.S.C. § 1692a(6).
25
26
27
28

1 8. Defendant Rausch Sturm LLP (“Rausch”) is headquartered in
2 Wisconsin and is doing business in the State of Nevada.

3 9. Upon information and belief, Rausch is licensed as a “debt collector”,
4 holds itself out in the community as “attorneys in the practice of debt collection”,
5 is in the business of purchasing debts owed to third parties or servicing debts owed
6 to third parties, and as such, regularly attempts to collect those debts.
7

8 10. Rausch uses mail, credit reporting, and instrumentalities of interstate
9 commerce in its attempts to collect debts either owed to another creditor or
10 purchased from another creditor, and is a “debt collector” as the term is defined by
11 15 U.S.C. § 1692a(6).
12

13 **ALLEGATIONS APPLICABLE TO ALL COUNTS**
14

15 11. Plaintiff allegedly incurred a financial obligation (“Debt”) to
16 Comenity Capital Bank (“Comenity”).
17

18 12. The Debt arose from a credit card account provided by Comenity
19 which were primarily for family, personal, or household purposes, and meets the
20 definition of a “debt” under 15 U.S.C. § 1692a(5).
21

22 13. Upon information and belief, the Debt was purchased, assigned, or
23 transferred to PRA for collection.
24

25 14. Upon information and belief, PRA retained or hired Rausch as its
26 attorneys to collect the Debt.
27
28

1 15. PRA acted as the principal debt collector and Rausch acted as PRA's
2 agent, working and acting in concert with to collect the Debt.

3 16. PRA and Rausch attempted to collect the Debt and, as such, engaged
4 in "communications" as defined in 15 U.S.C. § 1692a(2).
5

6
7 **FACTS**

8 17. On September 26, 2022, PRA and Rausch filed a lawsuit to obtain a
9 judgment and collect the Debt. This suit was filed in Justice Court, Henderson
10 Township, as case number 22CH2874 ("First Collection Case").
11

12 18. Upon information and belief, the First Collection Case remains open
13 and active.
14

15 19. Despite having already sued Plaintiff in the First Collection Case to
16 recover a judgment and collect the Debt, one week later, on October 3, 2022, PRA
17 and Rausch filed a second lawsuit against Plaintiff in Justice Court, Henderson
18 Township, seeking to obtain a second judgment and collect the Debt twice. This
19 case was titled 22CH2954 ("Second Collection Case").
20
21

22 20. The First Collection Case and the Second Collection Case both
23 reference the exact same Comenity Account number, the exact same sum alleged
24 to be owed on the Debt, the exact same charge off date by Comenity, and the exact
25 same Rausch file number.
26

27
28 ///

1 21. PRA and Rausch have willfully and intentionally sued Plaintiff in the
2 Henderson Justice Court twice seeking to obtain a double judgement and double
3 recovery in their efforts to collect the Debt.
4

5 22. As of the date of the filing of this Complaint, both the First Collection
6 Case and the Second Collection Case are “open” with the Henderson Justice court
7 and are active cases.
8

9 23. Defendants’ actions in suing Plaintiff twice in the hopes of obtaining a
10 double recovery on the Debt constitutes harassment, oppression, and abuse against
11 Plaintiff. There is no other reason for suing a person twice for the exact same debt
12 except to oppress, burden, and abuse Plaintiff.
13

14 24. Defendants have engaged in flagrant illegal actions—suing Plaintiff
15 twice on the exact same Debt—in their efforts to collect the Debt against Plaintiff.
16 The actions and tactics employed by Defendants to collect the Debt against
17 Plaintiff are unconscionable and unfair.
18
19

20 25. Plaintiff has suffered and continues to suffer actual damages as a
21 result of Defendants’ unlawful conduct.
22

23 26. As a direct consequence of Defendants’ acts, practices, and conduct,
24 Plaintiff has been damaged. Plaintiff is not only being damaged by having to
25 double his efforts to defend against the two lawsuits, Defendant’s acts, practices,
26 and conduct have caused Plaintiff to suffer and continues to suffer from
27
28

1 humiliation, anger, anxiety, emotional distress, fear, frustration, and
2 embarrassment.

3 27. Plaintiff has also contemplated filing bankruptcy as a result of
4
5 Defendants' illegal conduct.

6
7 **COUNT I**
8 **VIOLATIONS OF THE FDCPA - 15 U.S.C. § 1692, et seq.**

9
10 28. Plaintiff incorporates by reference all of the above paragraphs of this
11 Complaint as though fully stated herein.

12 29. Defendants' conduct violated 15 U.S.C. § 1692d in that Defendants
13 engaged in behavior the natural consequence of which was to harass, oppress, or
14 abuse Plaintiff in connection with the collection of a debt.

15 30. Defendants' conduct violated 15 U.S.C. § 1692e(5) in that Defendants
16 threatened to take action against Plaintiff which it could not legally take or did not
17 intend to take in collection of a debt.

18 31. Defendants' conduct violated 15 U.S.C. § 1692f in that Defendants
19 used unfair and unconscionable means to collect a debt and attempted to humiliate
20 and belittle Plaintiff.

21 32. The foregoing acts and omissions of Defendants constitute numerous
22 and multiple violations of the FDCPA, including every one of the above-cited
23 provisions.
24
25
26
27
28

1 33. Plaintiff is entitled to damages as a result of Defendants' violations.

2 34. Plaintiff has been required to retain the undersigned as counsel to
3 protect his legal rights to prosecute this cause of action, and is therefore entitled to
4 an award of reasonable attorneys' fees plus costs incurred.
5

6
7 **PRAYER FOR RELIEF**

8 **WHEREFORE**, Plaintiff prays that judgment be entered against
9 Defendants, awarding Plaintiff:
10

11 **COUNT I.**

12
13 **VIOLATIONS OF 15 U.S.C. § 1692**

14 1. actual damages including, but not limited to, the emotional distress

15 Plaintiff has suffered (and continues to suffer) as a result of the
16 intentional, reckless, and/or negligent FDCPA violations pursuant to 15
17 U.S.C. § 1692k(a)(1);
18

19 2. statutory damages of \$1,000.00 pursuant to 15 U.S.C. §
20 1692k(a)(2)(A);
21
22
23
24

25 ///

26
27
28 ///

1 3. punitive damages; and

2 4. any other and further relief the Court may deem just and proper.

3
4 **TRIAL BY JURY DEMANDED ON ALL COUNTS**

5 Dated: October 19, 2022

6
7 Respectfully submitted,

8 By /s/ David Krieger, Esq.
9 David Krieger, Esq.
10 Nevada Bar No. 9086
11 Shawn Miller, Esq.
12 Nevada Bar No. 7825
13 KRIEGER LAW GROUP, LLC
14 5502 S. Ft. Apache, Suite 200
15 Las Vegas, NV 89148
16 Phone: (702) 848-3855
17 Email: dkrieger@kriegerlawgroup.com
18 Email: smiller@kriegerlawgroup.com
19
20
21
22
23
24
25
26
27
28